

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks is respectfully requested.

Claim Amendments/Status

Claims 1-12 remain unamended in the application.

Rejections under 35 USC § 103

The rejection of claims 1-12 under 35 USC §103(a) as being unpatentable over Troxell et al. (PGPUB US 2004/0080486 A1), is respectfully traversed.

Applicant completely disagrees with interpretation of Troxell et al. set forth in this Office Action. That is to say, it is asserted that Troxell et al. discloses a display device. Indeed, it is submitted that the hypothetical person of ordinary skill would understand this reference to disclose only a proximity detector that can be added to an existing display, and not a display device *per se*, see page 1 [0007].

In the rejection it is submitted that a first electrode is disposed on a face of the insulating plate and a second electrode is disposed on the other insulating plate opposite the first electrode. Therefore, the pair of electrodes disclosed in Troxell et al. (408A and 408B) are not opposite one another and are not disposed on two different insulating plates. Indeed, the device of Troxell et al. corresponds to prior art disclosed in the instant specification page 1, line 29, to page 2, line 2.

A further debilitating problem with the rejection is that it asserts that the ITO that is disclosed in paragraph [0028] is an "electro-optical" material that renders all or part of its surface under the influence of an electrical control signal. ITO is constantly transparent, does not change and is not responsive to signals in the manner purported in this Office Action. Indeed, the disclosed ITO material is used to form electrodes and is not at all suggestive of an "electro-optical material" such as liquid crystal (LC) material, which is disposed between plates.

The claimed subject matter, on the other hand is such as to avoid any tactile slide added on the display and uses existing electrodes of a display as a proximity detector (see specification page 2 lines 36 to 38). First and second electrodes cited in claim 1 are the electrodes of an LCD display. Electrodes are submitted to an electrical control signal to modify properties of an electro optical material (liquid crystal) to display pictograms.

In a nutshell, a known dedicated display cannot be adapted to have a proximity detector (see specification page 2 lines 11 to 34) without adding a device such as disclosed in Troxell et al. The claimed invention on the other hand, obviates the need for the Troxell et al. device by using the invention uses the display electrodes to provide the proximity detection function. Accordingly, claim 1 should be allowable over Troxell et al. Claims 2-12 recite additional, important limitations and should be patentable for the reasons discussed above with respect to claim 1, as well as on their own merits.

### Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

Early issuance of a Notice of Allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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